Texas Department of Insurance
Division of Workers' Compensation
7551 Metro Center Drive, Suite 100 • Austin, Texas 78744-1609
512-804-4812 • 512-804-4811 fax • MDRInquiry.ATLAS.TDI@tdi.state.tx.us

TERRY BEAL MD
3100 TIMMONS LANE STE 250
HOUSTON TX 77027

V.

TEXAS MUTUAL INSURANCE
COMPANY
BOX # 54

LETTER TO CORRECT CLERICAL ERROR

WHEREAS, a clerical error was made in the original Findings and Decision which was signed by the Medical Fee Dispute Resolution Officer on 010/21/2011 and:

WHEREAS, the decision states in pertinent part:

GENERAL INFORMATION
MFDR Tracking Number
M4-11-2241-01

NOW THEREFORE, pursuant to the authority of Section 402.00128(b) (11) of the Texas Labor Code such Findings and Decision is corrected in pertinent part to read as follows:

GENERAL INFORMATION
MFDR Tracking Number
M4-11-2141-01

The original Findings and Decision is effective as herein corrected.

SIGNED this 25th day of October, 2011.

Mary Landrum
Health Care Business Management Director

Texas Department of Insurance
Division of Workers' Compensation
Medical Fee Dispute Resolution, MS-48
7551 Metro Center Drive, Suite 100 • Austin, Texas 78744-1645
518-804-4000 telephone • 512-804-4811 fax • www.tdi.texas.gov

MEDICAL FEE DISPUTE RESOLUTION FINDINGS AND DECISION

GENERAL INFORMATION

Requestor Name and Address

TERRY BEAL, MD
3100 TIMMONS LANE, STE 250
HOUSTON, TEXAS 77027

Respondent Name
TEXAS MUTUAL INSURANCE CO

Carrier's Austin Representative Box
Box Number 54

MFDR Tracking Number
M4-11-2241-01

REQUESTOR'S POSITION SUMMARY

Requestor's Position Summary: "CARRIER REFUSES TO PAY CLAIM IN FULL FOR SERVICES RENDERED EVEN AFTER A REQUEST FOR RECONSIDERATION WAS SUBMITTED."

Amount in Dispute: $150.00

RESPONDENT'S POSITION SUMMARY

Respondent's Position Summary: "1. Texas Mutual audited the requestor's designated doctor billing. Based on this audit Texas Mutual reimbursed the requestor $350.00 for the assignment of maximum medical improvement. Texas Mutual also reimbursed the requestor an additional $150.00 for the diagnosis related estimate (DRE) of the cervicothoracic area. 2. According the the report of medical evaluation provided the requestor used the injury model Diagnosis-Related Estimates (DRE) to assign the 5% impairment rating. (Exhibit 1) Texas Mutual reimbursement for the DRE method was appropriate and in accordance with the medical fee guidelines. (See Requestor's DWC-60 packet.)...Texas Mutual maintains its position as indicated on its eobs; and believes no further payment is due for the disputed service."

Response Submitted by: Texas Mutual Insurance Company, 6210 E. Hwy 290, Austin, Texas 78723

SUMMARY OF FINDINGS

Dates of Service	Disputed Services	Amount In Dispute	Amount Due
October 15, 2010	99456-W5-WP	$150.00	$0.00

FINDINGS AND DECISION

This medical fee dispute is decided pursuant to Texas Labor Code §413.031 and all applicable, adopted rules of the Texas Department of Insurance, Division of Workers' Compensation.

Background

1. 28 Texas Administrative Code §133.307 sets out the procedures for resolving medical fee disputes.
2. 28 Texas Administrative Code §134.204 sets out Medical Fee Guidelines for workers' compensation specific services.
3. The services in dispute were reduced/denied by the respondent with the following reason codes:

   Explanation of benefits dated December 20, 2010
   - CAC-W1 - WORKERS COMPENSATION STATE FEE SCHEDULE ADJUSTMENT
   - 790 – THIS CHARGE WAS REIMBURSED IN ACCORDANCE TO THE TEXAS MEDICAL FEE GUIDELINE.

   Explanation of benefits dated January 14, 2011
   - CAC-193 – ORIGINAL PAYMENT DECISION IS BEING MAINTAINED. UPON REVIEW IT WAS DETERMINED THAT THIS CLAIM WAS PROCESSED PROPERLY.
   - 724 – NO ADDITIONAL PAYMENT AFTER A RECONSIDERATION OF SERVICES. CALL 1-800-937-6824

Issues

1. Has the Designated Doctor (DD) examination been reimbursed appropriately per 28 Texas Administrative Code §134.204?
2. Is the requestor entitled to additional reimbursement for disputed services under 28 Texas Administrative Code §134.204?

Findings

1. The provider billed the amount of $650.00 for CPT code 99456-W5-WP for a DD examination for Maximum Medical Improvement/Impairment Rating (MMI/IR). Review of the documentation supports that MMI was assigned and one body area was rated. Per 28 Texas Administrative Code §134.204(j)(3)(C), the Maximum Allowable Reimbursement (MAR) for MMI is $350.00. The spinal region is one musculoskeletal area including cervical, thoracic, and lumbar per 28 Texas Administrative Code §134.204(4)(C)(i)(I). Per 28 Texas Administrative Code §134.204(j)(4)(C)(ii)(I), the combined MAR for an IR using Diagnosis Related Estimates (DRE) Category II method on "cervicothoracic" and DRE category I on the lumbar is $150.00. The combined MAR for the MMI/IR services rendered is $500.00.
2. The respondent reimbursed the requestor $500.00. Therefore, the requestor is not entitled to additional reimbursement.

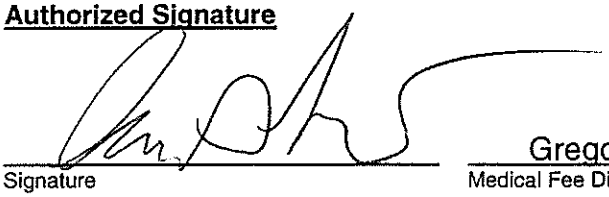
Conclusion

For the reasons stated above, the Division finds that the requestor has not established that additional reimbursement is due. As a result, the amount ordered is $0.00.

ORDER

Based upon the documentation submitted by the parties and in accordance with the provisions of Texas Labor Code §413.031, the Division has determined that the requestor is entitled to $0.00 reimbursement for the disputed services.

Authorized Signature



Signature	Gregory Fournerat Medical Fee Dispute Resolution Officer	October 21, 2011 Date

YOUR RIGHT TO REQUEST AN APPEAL

Either party to this medical fee dispute has a right to request an appeal. A request for hearing must be in writing and it must be received by the DWC Chief Clerk of Proceedings within **twenty** days of your receipt of this decision. A request for hearing should be sent to: Chief Clerk of Proceedings, Texas Department of Insurance, Division of Workers Compensation, P.O. Box 17787, Austin, Texas, 78744. The party seeking review of the MDR decision shall deliver a copy of the request for a hearing to all other parties involved in the dispute at the same time the request is filed with the Division. **Please include a copy of the *Medical Fee Dispute Resolution Findings and Decision*** together with any other required information specified in 28 Texas Administrative Code §148.3(c), including a **certificate of service demonstrating that the request has been sent to the other party.**

Si prefiere hablar con una persona en español acerca de ésta correspondencia, favor de llamar a 512-804-4812.